

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARK BIROSHAK, et al., :
Plaintiffs, :
:
vs. : Case No.: C-1-01-0300
THE CITY OF HAMILTON, et al., :
Defendants. :

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DEPONENT: GREGORY EDWIN DININGER
DATE: SEPTEMBER 17, 2003

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TERESA A. MOORE,
COURT REPORTER

BARLOW REPORTING & VIDEO SERVICES
333 Madison Avenue
Covington, Kentucky 41011
(859) 261-8440

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1 CROSS-EXAMINATION
 2 BY MR. GREENWOOD:
 3 Q Can you state your full name for the
 4 record, please?
 5 A Full name is Gregory Edwin Dininger.
 6 Q Could you spell your last name for me?
 7 A It's D, as in David, I-N-I-N-G-E-R.
 8 Q Are you currently employed by the City of
 9 Hamilton?
 10 A Yes.
 11 Q In what capacity?
 12 A Police lieutenant.
 13 Q How long have you been a lieutenant?
 14 A Since February of 2000.
 15 Q Prior to becoming lieutenant, what rank
 16 did you hold?
 17 A Police sergeant.
 18 Q How long were you a sergeant?
 19 A I was promoted in March of 1991, as
 20 sergeant.
 21 Q Prior to your promotion to sergeant, did
 22 you have any other ranks?
 23 A Yes, police detective. I was promoted to
 24 that rank in -- I have to go back a few years now --
 25 1988, March. And prior to that, police officer.

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1 The deposition of GREGORY EDWIN DININGER,
 2 taken for the purpose of discovery and/or use as
 3 evidence in the within action, pursuant to notice,
 4 heretofore taken at the offices of the City of
 5 Hamilton Administrative Offices, 7th Floor
 6 Conference Room, 345 High Street, Hamilton, Ohio, on
 7 September 17, 2003, at 4:07 P.M., upon oral
 8 examination, and to be used in accordance with the
 9 Federal Rules of Civil Procedure.
 10 APPEARANCES
 11 REPRESENTING THE PLAINTIFFS:
 12 SCOTT T. GREENWOOD, ESQ.
 13
 14 REPRESENTING THE CITY OF HAMILTON DEFENDANTS:
 15 WILSON G. WEISENFELDER, ESQ.
 16
 17 REPRESENTING THE FEDERAL DEFENDANTS:
 18 GERALD F. KAMINSKI, ESQ.
 19
 20 REPRESENTING THE BUTLER COUNTY DEFENDANTS:
 21 JACK C. MCGOWAN, ESQ.
 22 * * * * *
 23 GREGORY EDWIN DININGER, called on behalf
 24 of the Plaintiffs, after having been first duly
 25 sworn, was examined and deposed as follows:

Page 4

1 Q Have you spent your whole law enforcement
 2 career in the city?
 3 A Yes.
 4 Q Have you ever been a member of the SWAT
 5 team?
 6 A No.
 7 Q As lieutenant, what's the area that falls
 8 under your supervision?
 9 A Control Shift, C Shift.
 10 Q Did you participate in the investigation
 11 of the activities that led to the execution of the
 12 search warrant at 922 Vine, in May of 1999?
 13 A No, not the investigation.
 14 Q Were you present at the scene of the
 15 execution of the warrant?
 16 A Yes.
 17 Q In what capacity were you present?
 18 A At the scene, I was asked by Lieutenant
 19 Scrimizzi to use a bullhorn to announce the presence
 20 of the SWAT team there. And after the SWAT team had
 21 made their entry, then I went in as part of the
 22 search team with the DEA agents.
 23 Q How soon after your use of the bullhorn
 24 was it before the team entered the residence?
 25 A That, I couldn't tell you. I couldn't see